

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 104

HOUSE BILL 2040

AN ACT

AMENDING SECTIONS 40-360, 40-360.01 AND 40-360.02, ARIZONA REVISED STATUTES;
RELATING TO THE POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 40-360, Arizona Revised Statutes, is amended to
3 read:

4 40-360. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Area of jurisdiction" means the state, a county or an incorporated
7 city or town which exercises concurrent or exclusive jurisdiction over a
8 geographical area.

9 2. "Certificate of environmental compatibility" means the certificate
10 required by this article which evidences the approval by the state of the
11 sites for a plant or transmission line or both.

12 3. "Commission" means the Arizona corporation commission.

13 4. "Committee" means the powerplant and transmission line siting
14 committee.

15 5. "CURRENT ARIZONA ELECTRIC TRANSMISSION SYSTEM" MEANS THE EXISTING
16 ELECTRIC TRANSMISSION SYSTEM SERVING THIS STATE AND ALL TRANSMISSION LINES
17 ON FILE WITH THE COMMISSION AS OF JANUARY 31 OF THE PREVIOUS YEAR.

18 ~~5.~~ 6. "Facilities" means a plant, transmission line or both.

19 ~~6.~~ 7. "Member" means the state official named herein, the employee
20 designee thereof from the department, agency or governing body of such state
21 official member and the public members designated herein.

22 ~~7.~~ 8. "Person" means any state or agency or political subdivision
23 thereof, or any individual, partnership, joint venture, corporation, city or
24 county, whether located within or without this state, or any combination of
25 such entities.

26 ~~8.~~ 9. "Plant" means each separate thermal electric, nuclear or
27 hydroelectric generating unit with a nameplate rating of one hundred
28 megawatts or more for which expenditures or financial commitments for land
29 acquisition, materials, construction or engineering in excess of fifty
30 thousand dollars have not been made prior to the ~~effective date of this~~
31 article AUGUST 13, 1971.

32 ~~9.~~ 10. "Transmission line" means a series of new structures erected
33 above ground and supporting one or more conductors designed for the
34 transmission of electric energy at nominal voltages of one hundred fifteen
35 thousand volts or more and all new switchyards to be used therewith and
36 related thereto for which expenditures or financial commitments for land
37 acquisition, materials, construction or engineering in excess of fifty
38 thousand dollars have not been made prior to the ~~effective date of this~~
39 article AUGUST 13, 1971.

40 ~~10.~~ 11. "Utility" means any person engaged in the generation or
41 transmission of electric energy.

1 Sec. 2. Section 40-360.01, Arizona Revised Statutes, is amended to
2 read:

3 40-360.01. Organization and membership of the committee

4 A. The commission shall establish a power plant and transmission line
5 siting committee of Arizona.

6 B. The committee shall consist of the following members:

7 1. State attorney general or the attorney general's designee.

8 2. Director of environmental quality or the director's designee.

9 3. Director of water resources or the director's designee.

10 4. Director of the energy office of the department of commerce or the
11 director's designee.

12 5. Chairman of the Arizona corporation commission or the chairman's
13 designee.

14 6. Six members appointed by the commission to serve for a term of two
15 years of which three members shall represent the public, one member shall
16 represent incorporated cities and towns, one member shall represent counties
17 and one member shall be actively engaged in agriculture.

18 C. The attorney general or his THE ATTORNEY GENERAL'S designee shall
19 be chairman of the committee.

20 D. The commission shall establish such procedures as provide for
21 expeditious review of the proposed siting plans and necessary consultation
22 with the person proposing the facilities, for noticing and conducting the
23 hearing provided by section 40-360.04, and for a timely decision regarding
24 the issuance of a certificate of environmental compatibility of the proposed
25 site.

26 E. COMMITTEE MEMBERS APPOINTED BY THE COMMISSION ARE ELIGIBLE TO
27 RECEIVE COMPENSATION OF TWO HUNDRED DOLLARS FOR EACH MEETING ATTENDED,
28 PRORATED FOR PARTIAL DAYS FOR EACH MEETING ATTENDED, PAYABLE FROM THE FILING
29 FEE REQUIRED BY SECTION 40-360.09. Committee members EMPLOYED BY GOVERNMENT
30 ENTITIES are not eligible to receive compensation for their services;
31 but, ALL COMMITTEE MEMBERS shall be reimbursed from the filing fee required
32 by section 40-360.09 for their actual and necessary expenses incurred in
33 connection with their participation in committee meetings.

34 F. The committee may utilize the staff resources of its constituent
35 agencies as well as necessary consultants. All studies required by the
36 committee shall be conducted as specified by the committee and under its
37 general direction.

38 Sec. 3. Section 40-360.02, Arizona Revised Statutes, is amended to
39 read:

40 40-360.02. Plans; filing; failure to comply; classification

41 A. Every person contemplating construction of any transmission line
42 within the state during any ten year period shall file a ten year plan with
43 the commission on or before January 31 of each year.

44 B. EVERY PERSON CONTEMPLATING CONSTRUCTION OF ANY PLANT WITHIN THE
45 STATE SHALL FILE A PLAN WITH THE COMMISSION NINETY DAYS BEFORE FILING AN

1 APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AS PROVIDED IN
2 SECTION 40-360.03.

3 ~~B.~~ C. Each plan filed pursuant to subsection A OR B OF THIS SECTION
4 shall set forth the following information with respect to the proposed
5 facilities to the extent such information is available:

6 1. The size and proposed route of any transmission lines OR LOCATION
7 OF EACH PLANT proposed to be constructed.

8 2. The purpose to be served by each proposed transmission line OR
9 PLANT.

10 3. The estimated date by which each transmission line OR PLANT will
11 be in operation.

12 4. THE AVERAGE AND MAXIMUM POWER OUTPUT MEASURED IN MEGAWATTS OF EACH
13 PLANT TO BE INSTALLED.

14 5. THE EXPECTED CAPACITY FACTOR FOR EACH PROPOSED PLANT.

15 6. THE TYPE OF FUEL TO BE USED FOR EACH PROPOSED PLANT.

16 7. THE PLANS FOR ANY NEW FACILITIES SHALL INCLUDE A POWER FLOW AND
17 STABILITY ANALYSIS REPORT SHOWING THE EFFECT ON THE CURRENT ARIZONA ELECTRIC
18 TRANSMISSION SYSTEM. TRANSMISSION OWNERS SHALL PROVIDE THE TECHNICAL
19 REPORTS, ANALYSIS OR BASIS FOR PROJECTS THAT ARE INCLUDED FOR SERVING
20 CUSTOMER LOAD GROWTH IN THEIR SERVICE TERRITORIES.

21 D. THE INFORMATION IN THE PLAN REPORTED TO THE COMMISSION IN
22 SUBSECTION B OF THIS SECTION IS NOT OPEN TO PUBLIC INSPECTION AND SHALL NOT
23 BE MADE PUBLIC IF DISCLOSURE OF THE INFORMATION IN THE PLAN COULD GIVE A
24 MATERIAL ADVANTAGE TO COMPETITORS. THE INFORMATION IN THE PLAN PROTECTED AS
25 CONFIDENTIAL UNDER SUBSECTION B OF THIS SECTION IS ANY INFORMATION THAT IS
26 SIMILAR TO THE INFORMATION THAT WOULD BE CONFIDENTIAL UNDER SECTION 40-204.
27 AN OFFICER OR EMPLOYEE OF THE COMMISSION WHO KNOWINGLY DIVULGES INFORMATION
28 IN THE PLAN IN VIOLATION OF THIS SUBSECTION IS GUILTY OF A CLASS 2
29 MISDEMEANOR.

30 ~~E.~~ E. Failure of any person to comply with the requirements of
31 subsection A, B or ~~B.~~ C OF THIS SECTION may, in the commission's discretion
32 in the absence of a showing of good cause, constitute a ground for refusing
33 to consider an application of such person.

34 ~~D.~~ F. The plans shall be recognized and utilized as tentative
35 information only and are subject to change at any time at the discretion of
36 the person filing the plans.

37 ~~E.~~ G. The plans shall be reviewed biennially by the commission and
38 the commission shall issue a written decision regarding the adequacy of the
39 existing and planned transmission facilities in this state to meet the
40 present and future energy needs of this state in a reliable manner.

APPROVED BY THE GOVERNOR APRIL 11, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 12, 2001.

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 5, 2001,

by the following vote: 53 Ayes,

3 Nays, 4 Not Voting

[Signature]
Speaker of the House
[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6 day of April, 2001,

at 9:32 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 11 day of

April, 2001,

at 8:30 o'clock P M.

[Signature]
Governor of Arizona

H.B. 2040

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 12 day of April, 2001,

at 3:30 o'clock P M.

[Signature]
Secretary of State

Passed the House February 26, 2001,

by the following vote: 47 Ayes,

9 Nays, 4 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate April 2, 2001,

by the following vote: 27 Ayes,

2 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

H.B. 2040

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

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this day of , 20 ,

at o'clock M.

Secretary of State